

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

JOHN KENNETH FOWLER,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 17-cv-877-JPG-CJP
	)	
NANCY A. BERRYHILL, Acting	)	
Commissioner of Social Security,	)	
	)	
Defendant.	)	

**MEMORANDUM AND ORDER**

Before the Court is the parties' Agreed Motion for Remand to the Commissioner. (Doc. 23.)

The parties ask that this case be remanded for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). A sentence four remand (as opposed to a sentence six remand) depends upon a finding of error, and is itself a final, appealable order. *See Melkonyan v. Sullivan*, 501 U.S. 89 (1991); *Perlman v. Swiss Bank Corporation Comprehensive Disability Protection Plan*, 195 F.3d 975, 978 (7th Cir. 1999). Upon a sentence four remand, judgment should be entered in favor of plaintiff. *Shalala v. Schaefer*, 509 U.S. 292, 302-303 (1993).

The parties agree that, upon remand, "the ALJ will offer Plaintiff the opportunity for a hearing and will receive additional evidence. In accordance with agency regulations and rulings, the ALJ re-evaluate the claimant's residual functional capacity with citation to the medical evidence, including the medical opinions that support each of the limitations assessed. The ALJ will also re-evaluate the claimant's subjective statements about his symptoms and their severity under SSR 16-3p, and if warranted, obtain additional vocational evidence."

Plaintiff applied for disability benefits in June 2014. (Tr. 18.) While recognizing that the agency has a full docket, the Court urges the Commissioner to expedite this case on remand.

For good cause shown, the parties' Agreed Motion for Remand to the Commissioner (Doc. 23) is **GRANTED**.

The final decision of the Commissioner of Social Security denying John Kenneth Fowler's application for social security benefits is **REVERSED and REMANDED** to the Commissioner for rehearing and reconsideration of the evidence, pursuant to sentence four of 42 U.S.C. § 405(g).

The Clerk of Court is directed to enter judgment in favor of plaintiff.

**IT IS SO ORDERED.**

**DATED: FEBRUARY 23, 2018**

s/ J. Phil Gilbert  
**J. PHIL GILBERT**  
**DISTRICT JUDGE**